

Women of Color and the Law Online (AFA4931/POS4931)

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Course Description:

This online course will examine the experiences of women in the legal profession and the courts with an emphasis on racial and ethnic minority women. In this course, we will examine the impact of race and ethnicity on the legal status and outcomes of minority women. We will primarily examine the experiences of African American women, but will also study issues that affect Latinas, Asian American women, immigrant women of color, and Native American women. The modules will address the following topics: 1) criminal justice and incarceration; 2) educational discrimination; 3) employment discrimination; 4) immigration issues; 5) language discrimination; 6) reproductive rights and domestic violence; 7) understanding the law school process and entering the profession; and 8) the trafficking and exploitation of women of color. The instructor will post eight 10-15 minute lectures and students will watch documentaries, participate in discussion posts, and complete required readings.

Course Objectives:

- 1) Learn the correct method for briefing cases.
- 2) Analyze racial and ethnic issues raised in law review and other scholarly articles.
- 3) Examine theories that assess the experience of women of color such as critical race theory, feminist theories, implicit bias theories, the theory of intersectionality, and womanist theories.
- 4) Understand the challenges that women of color experience in the legal arena as professors, attorneys, plaintiffs, and defendants.

Required Textbooks:

1. Cynthia Bowman, Laura Rosenbury, Deborah Tuerkheimer, Kimberly Yuracko. *Feminist Jurisprudence. Cases and Materials. Fifth Edition.* New York: West Academic Press, 2018.

2. *Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy* can be found at:
https://aapip.org/sites/default/files/publication/files/aawp_full_reports.pdf.
3. The reserve articles can be found on canvas by clicking on the course reserves link.

Course Requirements:

1. *Introduction Post* (3% of Grade)
In one or two paragraphs, introduce yourself and explain why you have registered for this course.
2. *Syllabus Acknowledgment and Acceptance* (2% of Grade)
Please sign and date the information below and upload it to canvas. I _____ have carefully read the syllabus in its entirety and agree with the requirements, policies, and all other terms. I have asked clarifying questions to ensure that I understand what I read. Signature: _____ Date: _____
3. *Briefs of Cases*: Students must brief the cases listed on the syllabus. Each case brief must include the following. The facts tell us what happened in this case. The issue is the major question or questions that is being adjudicated. The holding is the yes or no answer to the question posed in the issue. The ruling is the rule of law used to decide the case. The application or analysis is the court's explanation for its ruling. The conclusion provides a summary of the case's outcome. For example, who won or lost? Was the decision appealed affirmed or reversed? In some of the cases, concurring and/or dissenting opinions are included by judges who wish to explain whether they agreed or disagreed with the ruling. You don't have to include concurring and dissenting opinions in your case briefs. (20% of Grade)
4. *Participation in the 5 Open-Book Discussion Posts* (6% each of 30% combined of Grade) You must post your comments on the questions on or before the dates they are due. Also, your grade will be based on your ability to support your opinions with references from the readings.
5. *Three Quizzes* (10% each or 30% of Grade)
Each of the exams will consist of three essay questions. Each test will have three essay questions - two of which are worth 40 points and one worth 20 points. Your grade will be based on your knowledge of the readings and ability to analyze them.
6. *Chesterfield Smith Women in the Legal Profession Essay* (15% of Grade)
Submit a 6-8 page essay that summarizes the major themes mentioned by the panelists at the "Legacy of Chesterfield Smith" panel discussion and in the readings from the Smith collection. You have the option of attending the panel discussion or watching it online. It will take place on Wednesday February 13th beginning at 3pm in Smathers Library Room 100. The panelists will include Attorneys Tiffani Lee (<https://www.hklaw.com/tiffani-lee/>), Julie Liang (<https://www.floridabar.org/directories/find-mbr/profile/?num=98660>), and Jany Martinez-Ward (<https://thecoveragelawyer.com/our-attorneys/jany-martinez-ward/>). Each panelist will discuss their experiences in law school and in the legal profession as women of color.

Module 1 Historical Considerations and Constitutional Equality

Objectives:

- Study the discrimination that women faced before the modern women's movement.
- Define the concepts of intermediate and strict scrutiny.
- Understand the difference between disparate impact and disparate treatment.

To Do List during the first week of classes:

- 1) *Introduction Post*: In one or two paragraphs, introduce yourself and explain why you have registered for this course by **11:59pm January 11, 2019**.
- 2) *Syllabus Acknowledgment and Acceptance*: Please sign and date the information below and upload it to canvas. I _____ have carefully read the syllabus in its entirety and agree with the requirements, policies, and all other terms. I have asked clarifying questions to ensure that I understand what I read. **Deadline: 11:59pm January 11, 2019**.

To Do List for the first discussion post:

- 1) Watch the introduction and the federal courts lecture
- 2) Watch "*She Beautiful When She's Angry*" (1 hour, 30 minutes) from \$2.99 <https://www.youtube.com/watch?v=h4Ecfijnvts> (free on Netflix).
- 3) Read pages 1-28 of Chapter 2 (Constitutional Equality) from the *Feminist Jurisprudence* textbook. **You don't have to brief the cases in chapter 2.**
- 4) Respond to the discussion post. **Deadline: 11:59pm January 11, 2019.**

Recommended:

Chapter 1 from the *Feminist Jurisprudence* textbook (The Historical Background of Feminist Legal Theory and Chapter 3 (Feminist Legal Theory).

Module 2 Violence Against Women (Rape and Trafficking)

Objectives:

- Examine the biases toward female rape victims.
- Understand the correct method for briefing cases.
- Identify the methods traffickers use to solicit their victims.
- Explain the background, activism, and legacy of Pauli Murray.
- Define Jane Crow Theory.

To Do List for the Second Discussion Post and Quiz:

1. Watch the online lecture on the issue of rape.
2. Watch The 40th Anniversary of Joan Little's Pivotal Murder Acquittal (3 minutes) which can be found at: <https://www.youtube.com/watch?v=z-rUIpcjIhQ>
3. Tyson Victim Interview with Barbara Walters (1 hour with commercials) which can be found at: <https://www.youtube.com/watch?v=Q-X94japJ1k>

4. Read the reserve article: Danielle McGuire. "Power to the Ice Pick!" in *At the Dark End of the Street: Black Women, Rape, and Resistance--A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. New York: Knopf, 2010.
5. Read pages 323-328 of chapter 4 (Violence against Women)
6. Respond to the discussion post. **Deadline: 11:59pm January 18, 2019.**

To Do List for the Case Journal:

1. Watch the "How to Brief a Case Video (9 minutes) which can be found at: <https://www.youtube.com/watch?v=11OCdTvPGQw>
2. Brief *Michael G. Tyson vs. State of Indiana* can be found at: <https://law.justia.com/cases/indiana/court-of-appeals/1993/49a04-9211-pc-422-7.html>
3. Brief *Commonwealth v. Berkowitz* from the *Feminist Jurisprudence* textbook.
4. Brief *Michael M v. Superior Court of Sonoma County* from the *Feminist Jurisprudence* textbook
5. Submit journal articles. **Deadline: 11:59pm January 25, 2019.**

To Do List for the First Quiz (Includes the materials below):

1. Read pages 28-49 from Chapter 2
2. Read pages 319-322 of Chapter 4
Read the reserve article: Pauli Murray and the Twentieth-Century Quest for Legal and Social Equality.
3. Read the reserve article: The Many Lives of Pauli Murray
4. Watch the online lecture on Pauli Murray.
5. Submit first quiz. **Deadline: 11:59pm February 1, 2019.**

Recommended:

1. *Heavy Justice: The State of Indiana v. Michael G. Tyson* by J. Gregory Garrison
2. *The Innocence of Joan Little* by William Reston
3. Christina Greene. "'She Ain't No Rosa Parks': The Joan Little Rape–Murder Case and Jim Crow Justice in the Post–Civil Rights South." *The Journal of African American History*
4. Vol. 100, No. 3, Gendering the Carceral State: African American Women, History, and the Criminal Justice System (Summer 2015), pp. 428-447.
https://www.jstor.org/stable/10.5323/jafriamerhist.100.3.0428?seq=1#page_scan_tab_contents

To Do List for the Third Discussion Post:

1. Read pages 352-354; 377-380 of Chapter 4 (Violence Against Women) from the *Feminist Jurisprudence* textbook
2. Chapter 2 (The Trafficking of Asian Women) in the *Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy* textbook
3. Watch *Sold into the Sex Trade: Mexico's Stolen Daughters*
<https://www.youtube.com/watch?v=eHKlx5Hfyyc> (12 minutes)
4. Respond to the third discussion post. **Deadline: 11:59pm February 8, 2019.**

Recommended:

Sarah Deer. Relocation Revisited: Sex Trafficking of Native Women in the United States (March 1, 2010). *William Mitchell Law Review*, Vol. 36, No. 2, 2010; William Mitchell Legal Studies

Research Paper No. 2010-06. Available at SSRN: <https://ssrn.com/abstract=1567144> and can be found at:

<https://open.mitchellhamline.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1157&context=facsch>.

Module 3 Women and Reproduction

Objectives:

- Study the history of abortion politics and birth control politics in America.
- Understand the arguments of Latinas and Asian American women for reproductive freedom.
- Study the impact of forced sterilizations and forced caesareans on poor women of color.
- Examine the rationales behind landmark Supreme Court rulings on abortion and the right of privacy.

Read for the Fourth Discussion Post:

1. Read the reserve article: “‘Abortions Under Community Control’: Feminism, Nationalism, and the Politics of Reproduction among New York City’s Young Lords.” In *Women of Color and the Reproductive Rights Movement*. New York: New York University Press, 2003.
2. Read Sexual and Reproductive Freedom for Asian American Women (Chapter 6 from the *Asian American Women* textbook)
3. Respond to the fourth discussion post. **Deadline: 11:59pm February 15, 2019.**

To Do List for the Case Journal:

1. *Griswold v. CT* from the *Feminist Jurisprudence* textbook
2. *Roe v. Wade* from the *Feminist Jurisprudence* textbook
3. *Gonzales v. Carhart* from the *Feminist Jurisprudence* textbook
4. *Jessie Mae Jefferson v. Griffin Spalding County Hospital* from the *Feminist Jurisprudence* textbook
5. *Madrigal v. Quilligan* can be found at <https://www.revolvy.com/page/Madrigal-v.-Quilligan>
6. Submit journal articles. **Deadline: 11:59pm. February 22, 2019.**

To Do List for the Second Quiz:

1. Read pages 446-450; 458-467; 512-523 of Chapter 5 (Women and Reproduction)
2. Watch the online lecture on abortion.
3. Read pages 763-795 of Chapter 8 (Women and Education)
4. Submit the second quiz. **Deadline: 11:59pm. March 1, 2019. (Enjoy your break during the week of March 3rd).**

Recommended: The Story of Madrigal v. Quilligan: Coerced Sterilization of Mexican-American Women. Forthcoming in Melissa Murray, Kate Shaw, & Reva Siegel, eds., *Reproductive Rights and Justice Stories* (Foundation Press, 2019) and can also be found at [*Univ. of San Francisco Law Research Paper No. 2018-04*](#)

Module 4 Women, Intimate Relationships, and Family

Objectives:

- Understand the impact of domestic violence on women of color, undocumented women, and women generally.
- Identify the arguments for and against same sex marriages.
- Identify the rationales behind court rulings on same sex marriages.
- Define and understand “transgressive caregiving,” the problems associated with child care by third parties, “the value of black mothers’ work,” and the “best interest of the child test.”

To Do List for the Fifth Discussion Post:

1. Read Domestic Violence and Asian American Women (chapter 7 of *Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy* textbook)
2. Pages 591-620 of chapter 6 (Law, Women, and Intimate Relationships)
3. Pages 717-725 of chapter 7 (Women and Children)
4. Watch Maria’s Story: Undocumented Violence (13 minutes)
<https://www.youtube.com/watch?v=p30qFdVgN3c>
5. Watch the Law, Women, and Intimate Relationships online lecture
6. Respond to the fifth discussion post. **Deadline: 11:59pm March 15, 2019.**

To Do List for the Case Journal:

1. *Baehr v. Lewin* can be found at:
<https://www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/baehr-v-lewin-852-p2d-44-hawaii-1993>.
2. *U.S. v. Windsor* from the *Feminist Jurisprudence* textbook
3. *Obergefell v. Hodges* from the *Feminist Jurisprudence* textbook
4. Submit journal articles. **Deadline: 11:59pm March 22, 2019.**

Module 5 Women and Education

Objectives:

- Study the reasons for the development of affirmative action educational programs.
- List the arguments for and against single-sex educational institutions.
- Identify the key Supreme Court rulings on affirmative action education cases since the *Bakke* case.
- Study the impact of (and possible gender bias of) standardized tests of female applicants.
- Define the impact of Title IX on athletic programs.

To Do List for the Sixth Discussion Post:

1. Read 71-81 of Chapter 2 and 741-755 of Chapter 7
2. Respond to the sixth discussion post. **Deadline: 11:59pm. March 29, 2019.**

To Do List for the Case Journal:

1. *Gebser v. Lago Vista Independent School District* from the *Feminist Jurisprudence* textbook
2. *Davis v. Monroe County Board of Education* from the *Feminist Jurisprudence* textbook
3. *Gratz v. Bollinger* can be found at: <https://www.law.cornell.edu/supct/html/02-516.ZO.html>
4. *Fisher v. University of Texas* can be found at: https://www.supremecourt.gov/opinions/15pdf/14-981_4g15.pdf
5. Watch the online lecture on affirmative action.
6. Submit journal articles. **Deadline: 11:59pm April 5, 2019.**

Recommended:

1. *Regents of the University of California v. Bakke* 438 U.S. 265 (1978).
2. *Grutter v. Bollinger* <https://www.cir-usa.org/cases/gratz-v-bollinger-grutter-v-bollinger/>
3. *Schuetz v. BAMN* (2014) <https://supreme.justia.com/cases/federal/us/572/12-682/>
4. *SISTERS IN LAW: Black Women Lawyers' Struggle for Advancement* <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1072&context=lr>
5. *The Underrepresentation of Women of Color in Law Review Leadership Positions* <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1262&context=blrlj>
6. "Where's the Lawyer": Latinas in the Legal Industry.
7. <https://www.equalrights.org/wheres-the-lawyer-latinas-in-the-legal-industry/>

Module 6 Women and Wage Labor

Objectives:

- Identify the way in which Title VII of the Civil Rights Act of 1964 addresses employment discrimination against women and minorities.
- Understand the connections between pregnancy and disparate impact.
- Understand the linkage between sexual harassment and sex discrimination.
- Identify the difference between quid pro quo and hostile environment harassment.
- Detail the major U.S. Supreme Court ruling on same sex harassment.

To Do List for the Case Journal:

1. *In re: Carnegie Center Associates* from the *Feminist Jurisprudence* textbook
2. *Meritor Savings Bank v. Vinson* from the *Feminist Jurisprudence* textbook
3. *Price Waterhouse v. Hopkins* from the *Feminist Jurisprudence* textbook
4. *Rogers v. American Airlines* from the *Feminist Jurisprudence* textbook
5. *Judge v. Marsh* from the *Feminist Jurisprudence* textbook
6. *Foster v. Dalton* from the *Feminist Jurisprudence* textbook
7. Submit journal articles. **Deadline: 11:59pm. April 12, 2019**

To Do List for the Quiz:

1. Listen to the online lecture on intersectionality.
2. Read pages 725-739 of Chapter 7; 841-864 of Chapter 9

3. Watch the Women and Wage Labor: Employment Discrimination online lecture.
4. Watch the Sexual Harassment online lecture.
5. Submit the last quiz. **Deadline 11:59pm. April 19, 2019.**

To Do List for the Chesterfield Smith Paper:

1. Read pages 963-984 of Chapter 10 Women and the Legal Profession
2. Read the reserve article: Marilyn Holifield, Oral History Interview, 2009
3. Submit the paper. **Deadline 11:59pm April 29, 2019.**

Recommended:

1. *Oncala v. Sundowner Offshore Services* from the *Feminist Jurisprudence* textbook
2. *Ellison v. Brady* can be found at <https://law.justia.com/cases/federal/appellate-courts/F2/924/872/224242/>
3. Black Women's Hair and the Law: When Race and Gender Intersect
http://racism.org/index.php?option=com_content&view=article&id=1554:blackwomenshair&catid=72&Itemid=215
4. What Not to Wear-Race and Unconscious Welcomeness in Sexual Harassment Law: The Story of *Meritor Savings Bank v. Vinson*. In *Women and the Law Stories*, edited by Elizabeth M. Schneider and Stephanie M. Wildman. New York: Thomas Reuters/Foundation Press. 2011.
5. Women of Color and Employment Discrimination: Race and Gender Combined in Title VII Claims
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1262&context=blrlj>

Class Policies

1. Missed Work Policy:

The policy for missed work in this class is consistent with the university's policy (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>). All discussion posts, quizzes, and papers must be uploaded on the correct date before 11:59pm.

2. Disabilities Statement:

Students requiring accommodations must first register with the Dean of Student's office, Disability Resource Center. The Dean of Student's office will provide documentation, which the student will then give to the instructor. For more information, see <http://www.dso.ufl.edu/drc>

3. Academic Dishonesty:

Academic dishonesty includes plagiarism and cheating on examinations. The penalty for cheating is a grade of 0 on the exam or paper. In addition, the Dean of Student's office may choose to administer a harsher punishment such as a temporary suspension from this class or a permanent expulsion from the university.

4. Course Evaluation:

You will have the opportunity to evaluate the class on the last day. You can also fill out an evaluation on evaluations.ufl.edu during the last two weeks of class.